

DMA Pro Se: General Complaint

United States District Court
Northern District of Mississippi

Arjun Paudel Chhetri

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

The University of Mississippi; Tracy Murry, Director of Student
Conflict Resolution and Conduct, Honey Ussery, Title IX
Coordinator

*(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the
space provided, please write "see attached" in the space
above and attach an additional sheet of paper with the full list
of names. The names listed in the above caption must be
identical to those contained in Section I. Do not include
addresses here.)*

Case No. 3:19-CV-135-MPM-RP
(To be filled out by Clerk's
Office only)

COMPLAINT

Jury Demand?

☐ Yes

☒ No

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

If this is an employment discrimination claim or social security claim, please use a different form.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

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I. PARTIES IN THIS COMPLAINT**Plaintiff**

List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff: Paudel Chhetri, Arjun. A# 216486280
 Name (Last, First, MI)

Etowah County Detention Center, 827 Forrest Ave
 Street Address

Etowah, Gadsden Alabama 35901
 County, City State Zip Code

Telephone Number E-mail Address (if available)

Defendant(s)

List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: The University of Mississippi
 Name (Last, First)

Office of General Counsel, 209 Lyceum
 Street Address

Lafayette, Oxford Mississippi 38677
 County, City State Zip Code

Defendant 2:
 Name (Last, First)

Street Address

County, City State Zip Code

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Defendant(s) Continued

Defendant 3:

Name (Last, First)

Street Address

County, City

State

Zip Code

Defendant 4:

Name (Last, First)

Street Address

County, City

State

Zip Code

II. BASIS FOR JURISDICTION*Check the option that best describes the basis for jurisdiction in your case:*

- ☐ **U.S. Government Defendant:** United States or a federal official or agency is a defendant.
- ☐ **Diversity of Citizenship:** A matter between individual or corporate citizens of different states and the amount in controversy exceeds \$75,000.
- ☒ **Federal Question:** Claim arises under the Constitution, laws, or treaties of the United States.

If you chose "Federal Question", state which of your federal constitutional or federal statutory rights have been violated.

The defendant violated due process of plaintiff in serious university disciplinary action. See, *Goss v. Lopez* 419 U.S.584 (1975) (stating Longer suspensions or expulsions for the remainder of the school term, or permanently, may require more formal procedures).

III. VENUE

This court can hear cases arising out of federal question, specifically the constitutional claim.

Under 28 U.S.C § 1391, this is the right court to file your lawsuit if: (1) All defendants live in this state AND at least one of the defendants lives in this district; OR (2) A substantial part of the events you are suing about happened in this district; OR (3) A substantial part of the property that you are suing about is located in this district; OR (4) You are suing the U.S. government or a federal agency or official in their official capacities and you live in this district. Explain why this district court is the proper location to file your lawsuit.

Venue is appropriate in this Court because:

the defendant, The University of Mississippi, is located in Oxford, Mississippi. The events occurred inside the university which basically means that the events that the plaintiff is suing about happened in this district.

IV. STATEMENT OF CLAIM

Place(s) of occurrence: Oxford, Mississippi

Date(s) of occurrence: on or around February 10, 2017 and February 13, 2017

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions.

FACTS:

What
happened to
you?

On or around February 13, 2017, the defendant permanently expelled the plaintiff without allowing him to cross-examine the adverse witness while there is clear factual dispute as well as the credibility issue. Additionally, the defendant did not made the anonymous witness available during the hearing and did not even provide the name of the anonymous witness when the plaintiff respectfully asks about it. See, *Dixon v. Alabama State Bd. of Educ.*, 294 F. 2d 150 (5th Cir. 1961) (Stating In the instant case, the student should be given the names of the witnesses against him ...).

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Yes. Mr. Tracy Murry, the director of Student Conflict Resolution and Conduct
and Mrs. Honey Ussery, title IX coordinator.

Was
anyone
else
involved?

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Mr. Tracy, the Director of Student Conflict Resolution and Conduct, did not make the adverse witness available in the disciplinary hearing conducted inside his office. The plaintiff respectfully requested about it. On or around February 10, 2017, prior to hearing, the plaintiff emailed the director by respectfully requesting to make the adverse witness available in front of the hearing panel.

Mrs. Honey, title IX coordinator, did not make the anonymous witness available during the disciplinary hearing. Although she mentioned in her investigation report that the anonymous witness will be made available to the hearing panel if needed, she neither made the anonymous witness available nor did she instructed the plaintiff to do so. In fact, she did not even provide the name of the anonymous witness when the plaintiff respectfully ask about it by emailing her.

The plaintiff respectfully requests the opposing party to present all the evidences in front of this Honorable Court in case the opposing party stated that the opposing party expelled the plaintiff based on his statement so that this Honorable Court can determine whether the evidences support the allegation brought against the plaintiff inside the university.

Finally although the plaintiff has marked no in Jury Demand, the plaintiff is willing to go for jury trial, if this Honorable Court found the jury trial to be appropriate for this case, or the defendant demands so.

Who did
what?

V. INJURIES

If you sustained injuries related to the events alleged above, describe them here.

The plaintiff lost his job. He was a teaching and a research assistant in the department of Electrical Engineering in the University of Mississippi. And, although not tangible, the plaintiff lost his 21 years of determination and hard working that bring him up to the graduate level of study. The plaintiff started his study since 1992 and when he was 5 years old.

VI. RELIEF

The relief I want the court to order is:

☐ Money damages in the amount of: \$ _____

☒ Other (explain):

reinstatement to the university as a graduate student and removal of record from the transcript.

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VII. CLOSING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

June 18, 2019

Dated

Arjun Chhetri

Plaintiff's Signature

PAUDEL CHHETRI, ARJUN

Printed Name (Last, First, MI)

827 Forrest Avenue

Address

Gadsden

City

Alabama

State

35901

Zip Code

Telephone Number

E-mail Address (if available)

List the same information for any additional plaintiffs named. Attach additional sheets of paper as necessary.